

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TOMMY GODDARD, DAVID	:	
CALLAHAND, MIKE BARKER,	:	
WAYMON J. GODDARD, GRANT	:	
PARKER, AND PARKER WHITE LLC,	:	
	:	CIVIL ACTION NO.
Plaintiffs,	:	1:12-CV-0761-AT
	:	
v.	:	
	:	
REGIONS BANK, INC., GLEN	:	
REAVES, LANEASE DICKENS-	:	
FULLER, LAW OFFICE OF LANEASE	:	
D. FULLER, RICHARD BUCKNER,	:	
DWAYNE BRYANT DAWSON,	:	
TIMOTHY GROSSI, WILLIAM FRANK	:	
MCLEAN, AND GENE NOWAK,	:	
	:	
Defendants.	:	

ORDER OF FINAL DEFAULT JUDGMENT AGAINST DEFENDANTS
BUCKNER, DAWSON, GROSSI, MCLEAN, NOWAK AND REAVES

This matter is before the Court on Plaintiffs' Amended Motion for Default Judgment Against Richard Buckner ("Buckner"), Dwayne Bryant Dawson ("Dawson"), Timothy Grossi ("Grossi"), William Frank McLean ("McLean"), Gene Nowak ("Nowak"), and Glen Reaves ("Reaves") (collectively, "Defendants") [Doc. 194].

In their Complaint, Plaintiffs alleged that Defendants engaged in a sophisticated real estate investment scam by which Defendants defrauded Plaintiffs out of over one million dollars. The Clerk has entered default as to each

of the above named Defendants as a result of their failure to answer or otherwise defend against Plaintiffs' Complaint. (See Dkt.) Plaintiffs request final judgment in their favor on the following counts of their original Complaint: Conspiracy, Conversion, Fraud/Intentional Misrepresentation; Negligent Misrepresentation; Unjust Enrichment; and Violations of 18 U.S.C. § 1961, *et seq.*, Racketeering Influenced Corrupt Organizations Act ("RICO"). Plaintiffs request that final default judgment be entered jointly and severally against Defendants in the total amount of \$4,014,915, which they contend constitutes only their actual compensatory damages, trebled pursuant to RICO. Plaintiffs are foregoing a request for pre-judgment interest, punitive damages, and attorneys' fees from Defendants in order to expedite entry of a final judgment.

I. DEFAULT JUDGMENT

The Clerk has entered default against each of the above-named Defendants pursuant to Federal Rule of Civil Procedure 55(a). By their default, Defendants have "admit[ted] the plaintiff[s'] well-pleaded allegations of fact." *Nishimatsu Const. Co. v. Houston Nat. Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975); *see also Buchanan v. Bowman*, 820 F.2d 359, 361 (11th Cir. 1987). The Court finds that Plaintiffs have pled legitimate causes of action that are supported by the facts admitted by Defendants by their default. Accordingly, and for the reasons stated in Plaintiffs' Motion, default judgment pursuant to Federal Rule of Civil Procedure 55(b) is warranted against Defendants on the above-listed counts of the Complaint.

II. DAMAGES

The Court finds that Plaintiffs' actual damages, as supported by their Declarations and documentation attached to Plaintiffs' Motion, are as follows: (a) Plaintiff Tommy Goddard: \$207,831.88 (see T. Goddard Decl., ¶ 15); (b) Plaintiff David Callahan: \$838,080.02 (see Callahan Decl., ¶ 15); (c) Plaintiff Mike Barker: \$19,000 (see Barker Decl., ¶ 10); (d) Plaintiff Waymon J. Goddard: \$19,000 (see J. Goddard Decl., ¶ 10); (e) Plaintiffs Grant Parker and Parker White, LLC, collectively: \$254,393.10 (see Parker Decl., ¶ 29). Pursuant to 18 U.S.C. § 1964(c), Plaintiffs' actual damages are trebled and compensatory damages are awarded accordingly.

III. ENTRY OF FINAL JUDGMENT

The Court **GRANTS** Plaintiffs' Amended Motion for Default Judgment [Doc. 194]. The Clerk is **DIRECTED** to enter judgment jointly and severally against Defendants Glen Reaves, Richard Buckner, Dwayne Bryant Dawson, Timothy Grossi, William Frank McLean, and Gene Nowak, in favor of each Plaintiff in the following amounts, trebled pursuant to 18 U.S.C. § 1964(c), as provided in Section II above:

- (a) Plaintiff Tommy Goddard: \$623,496;
- (b) Plaintiff David Callahan: \$2,514,240;
- (c) Plaintiff Mike Barker: \$57,000;
- (d) Plaintiff Waymon J. Goddard: \$57,000; and

(e) Plaintiffs Grant Parker and Parker White, LLC, collectively:
\$763,179.

The Clerk is **DIRECTED** to close the case.

IT IS SO ORDERED this 4th day of December, 2014.



AMY TOTENBERG
UNITED STATES DISTRICT JUDGE